



# House of Representatives

General Assembly

**File No. 146**

February Session, 2008

Substitute House Bill No. 5679

*House of Representatives, March 25, 2008*

The Committee on Labor and Public Employees reported through REP. RYAN, K. of the 139th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CLARIFYING THE STANDARDS FOR APPEAL OF DECISIONS OF THE COMPENSATION REVIEW BOARD.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-301b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 Any party aggrieved by the decision of the Compensation Review  
4 Board upon any question or questions of law arising in the  
5 proceedings may appeal the decision of the Compensation Review  
6 Board to the Appellate Court, whether or not the decision is final  
7 within the meaning of section 4-183 or section 52-263.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	31-301b
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**LAB**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill allows a party to appeal a Compensation Review Board decision even if it is not considered a final decision under the provisions for appealing administrative decisions under the Uniform Administrative Procedures Act or appeals from the Superior Court.

This bill, which clarifies the standards for appeal, has no fiscal impact on the Workers' Compensation Commission.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sHB 5679*****AN ACT CLARIFYING THE STANDARDS FOR APPEAL OF DECISIONS OF THE COMPENSATION REVIEW BOARD.*****SUMMARY:**

By law, a party can appeal a decision of a workers' compensation commissioner to the Compensation Review Board. A party can then appeal the board's decision on a question of law to the Appellate Court. Under case law, the Appellate Court will not hear the appeal unless it is from a final judgment of the board.

This bill allows a party to appeal the board's decision even if it is not considered a final decision under the provisions on appealing administrative decisions under the Uniform Administrative Procedures Act or appeals from the Superior Court. Both of these provisions require appeals from a final decision or judgment.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Related Cases***

Case law requires a final judgment from the Compensation Review Board before allowing an appeal to the Appellate Court. In *Cleveland v. U.S. Printing Ink, Inc.*, 218 Conn. 181 (1991), the court stated that under the practice and procedure of the Appellate Court, a party can appeal a final judgment of a court or judge. For a decision to be appealable from the board, it must have the same elements of finality as a final judgment rendered by a trial court.

In a recent case, the state Supreme Court again upheld its previous decisions requiring a final judgment before allowing an appeal to the Appellate Court. In *Hummel v. Marten Transport, Ltd.*, 282 Conn. 477

(2007), the workers' compensation commissioner ruled that the plaintiff was entitled to survivor's benefits but did not determine the amount of benefits. The defendant appealed the decision to the Compensation Review Board, which affirmed the commissioner's finding. The defendant then appealed to the Appellate Court. Because the commissioner was still hearing matters related to benefits, the Appellate Court dismissed the appeal because the case was not based on a final judgment. The Supreme Court upheld that decision based on its previous decisions.

When the board returns a case to a commissioner for further proceedings in connection with a challenged award, whether the decision is a final judgment depends on whether the further proceedings (1) are ministerial or (2) require independent judgment or discretion and taking additional evidence (*Hummel*).

### **Related Court Rules**

The Judicial Branch's Rules provide that the practice and procedures for appeals of a Compensation Review Board decision to the Appellate Court are the same as for other appeals (P.B. § 76-1). The Rules that generally apply to appeals allow a party to appeal to the Appellate Court when there is a final judgment, unless the law provides otherwise (P.B. § 61-1).

### **Related Statute**

By law, a party aggrieved by a decision of the Superior Court on a question of law arising at trial can appeal from the court's final judgment (CGS § 52-263).

## **COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 8 Nay 0 (03/06/2008)